

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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ANDREW L. COLBORN,  
Plaintiff

v.

NETFLIX, INC., et al.,  
Defendants.

Case No. 19-CV-484

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**DECLARATION OF APRIL ROCKSTEAD BARKER**

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STATE OF WISCONSIN                    )  
  ) SS  
COUNTY OF WAUKESHA                )

APRIL ROCKSTEAD BARKER, under penalty of perjury, deposes and says:

1. My name is April Rockstead Barker and I am an attorney with the law firm of Schott, Bublitz & Engel s.c. and am licensed to practice law in the State of Wisconsin. I submit this declaration in opposition to Motion to Dismiss. If I were asked to testify, I would testify consistent with this declaration, and I have personal knowledge of all facts set forth herein.

2. Attached as exhibit A is a true and correct copy of the transcript of proceedings on February 20, 2007, Day 7, of the trial in State v. Avery, No. 05 CF 381 in the Circuit Court for Manitowoc County. This transcript includes portions of the testimony by Andrew Colborn.

3. Attached as exhibit B is a true and correct copy of the transcript of proceedings on February 20, 2007, Day 7, of the trial in State v. Avery, No. 05 CF 381 in the Circuit Court for Manitowoc County. This exhibit includes additional portions of the testimony by Andrew

Colborn. The trial transcripts are available in their entirety at

<http://www.stevenaverycase.org/jurytrialtranscripts/>

4. The “Hardball” interview referenced at pp. 5-7 in the Plaintiff’s brief submitted herewith can be found at the internet url <https://www.msnbc.com/hardball/watch/-making-a-murderer---filmmakers-discuss-documentary-598845507868>.

The following content may be found at the approximate time intervals in the broadcast identified below:

- “. . . that was not, you know, our endeavor, actually” Laura Ricciardi, :35-52
- the “question of the series” is, “Was this a fair process?” Moira Demos, 2:17-2:24
- “at the time Mr. Avery was charged in the new crime, he did have a federal lawsuit pending against the County in which he was charged . . . . So the timing of the re-arrest was of interest to us, as well as everything that had come before.” Laura Ricciardi, 1:06-1:26
- Response to “This guy was railroaded.” Moira Demos, 1:26-2:16
- Defense attorneys told them that the evidence that had been presented at trial showed that the police had misused evidence against Avery, Laura Ricciardi, 3:06-3:26

5. Attached as Exhibit C hereto is a true and correct copy of a podcast transcript that I printed from the internet url <https://www.crimestory.com/2019/10/30/episode-43-moira-demos-and-laura-ricciardi-making-a-murderer-part-1-of-2/>. The podcast can also be heard by visiting that url.

6. Attached as Exhibit D hereto is a true and correct copy of an article that I printed from the internet url <https://abcnews.go.com/Entertainment/making-murderer-steven-avery->

[releases-letter-bars/story?id=36448422](https://www.pbs.org/newshour/show/making-a-murderer-interrogates-fairness-of-justice-system). Video of the interview portions referenced in the article also may be viewed by visiting that url.

7. The PBS interview referenced at pp. 5-7 in the Plaintiff's brief submitted herewith can be found at the internet url <https://www.pbs.org/newshour/show/making-a-murderer-interrogates-fairness-of-justice-system>

The following content may be found at the approximate time intervals in the broadcast identified below:

- the series challenges whether the public can trust and rely on verdicts in criminal cases, Moira Demos, 2:25-2:35
- “amazing window,” Moira Demos, 2:40-2:42

8. Attached as Exhibit E hereto is a true and correct copy of an article that I printed from the internet url <https://variety.com/2018/tv/news/making-a-murderer-season-2-podcast-steven-avery-1202977666/#!> Video of the interview portions referenced in the article also may be viewed by visiting that url.

9. Attached as Exhibit F hereto is a true and correct copy of an article that I printed from the internet url <https://www.thedailybeast.com/making-a-murderer-part-2-creators-tell-all-what-happens-when-injustice-is-exposed>

10. Attached as Exhibit G hereto is a true and correct copy of an online post that I printed from the url [https://www.reddit.com/r/MakingaMurderer/comments/3xqzj1/colburn\\_calling\\_in\\_the\\_license\\_plate\\_number\\_what/](https://www.reddit.com/r/MakingaMurderer/comments/3xqzj1/colburn_calling_in_the_license_plate_number_what/)

11. Attached as Exhibit H hereto is a true and correct copy of the charges listing on the a Wisconsin Circuit Court Access program listing for the charges against former Kenosha County officer Kyle Baars, as printed from the website [www.wicourts.gov](http://www.wicourts.gov).

12. Attached as Exhibit I hereto are true and correct copies of excerpts from an online post that I printed from the url <https://unscriptedcast.wordpress.com/2016/01/02/making-a-murderer-ep-3/>

13. Attached as Exhibit J hereto is a true and correct copy of an online post that I printed from the url [https://www.reddit.com/r/TickTockManitowoc/comments/duso3t/did\\_colborn\\_follow\\_the\\_evidence\\_when\\_kevin/](https://www.reddit.com/r/TickTockManitowoc/comments/duso3t/did_colborn_follow_the_evidence_when_kevin/)

14. Attached as Exhibit K hereto is an article that I reprinted from the online database Hein Online.

15. Attached as Exhibit L is a true and correct copy of *Mark Line Indus., Inc. v. Murillo Modular Group, Ltd.*, 2011 WL 1458496 (N.D. Ind.), printed from the Westlaw database.

16. Attached as Exhibit M is a true and correct copy of *U.S. ex rel. Melind v. People of the State of Illinois*, 1994 WL 710663 (N.D. Ill.), printed from the Westlaw database.

17. Attached as Exhibit N is a true and correct copy of *Int'l Galleries, Inc. v. La Raza Chicago, Inc.*, 2007 WL 3334204 (N.D. Ill.), printed from the Westlaw database.

Dated this 30<sup>th</sup> day of April, 2020.

/s/ April Rockstead Barker  
April Rockstead Barker

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